

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Mary L. Cooper
	:	
v.	:	
	:	
RICHARD BANACH,	:	Criminal No. 07-788 (MLC)
ALNEATHA RENEE BARKSDALE,	:	
and	:	
ERIC BARKSDALE	:	

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MEMORANDUM OF THE UNITED STATES IN SUPPORT OF ITS MOTION FOR  
CONTINUANCE BY CONSENT OF THE PARTIES  
AND FOR THE SETTING OF A SCHEDULING CONFERENCE

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On the Memorandum:

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**PRELIMINARY STATEMENT**

The United States respectfully submits this memorandum in support of its motion for (a) a continuance of the trial date by consent of the parties and (b) a scheduling conference before the Court so that a trial date may be set. The Government respectfully requests that this motion be carried until the Court sets this matter down for a scheduling conference.

**PROCEDURAL HISTORY**

On October 3, 2007, the Grand Jury in and for the District of New Jersey sitting at Trenton returned a three-count Indictment, Criminal No. 07-788, against defendants Richard Banach, Alneatha Renee Barksdale, and Eric Barksdale. The Indictment, Criminal No. 07-788 (MLC), charges Banach, Alneatha Barksdale and Eric Barksdale with one count of conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349, one count of bank fraud, in violation of Title 18, United States Code, Section 1344, and one count of conspiracy to commit identity theft, in violation of Title 18, United States Code, Sections 1028(f) and 1028(a)(7).

The defendants were arraigned before this Court on October 10, 2007 and entered pleas of not guilty at that time. At the arraignment, a trial date of December 10, 2007 was set. The United States has spoken with counsel for defendants Banach, Alneatha Barksdale, and Eric Barksdale and obtained their consent to a request for a continuance of this trial date to allow for effective trial preparation by all parties. Further, the Government requests that the Court set a status conference, to be held in person or by telephone as the Court deems appropriate, to set a new trial date, convenient to all parties.

**ARGUMENT**

**A CONTINUANCE OF THE TRIAL DATE SHOULD BE GRANTED**

Title 18, United States Code, Section 3161, ensures that a criminal defendant receives a speedy trial within seventy days from the filing and publication of the charging indictment or from the date of his or her initial appearance on the charges, whichever occurs last. In this case, the Speedy Trial deadline for the pending Indictment is currently December 12, 2007. The statute further provides, however, that the Court may grant a continuance where the Courts finds that the ends of justice are served by a continuance of the trial date. 18 U.S.C.

§ 3161(h)(8)(A). Among the factors the Court may consider in determining whether the ends of justice served by the continuance outweigh the interest in a speedy trial is whether the continuance will allow counsel for the defense and the Government "reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C.

§ 3161(h)(8)(B)(iv).

In the instant case, a continuance of the trial date will allow the parties to effectively prepare for trial and permit further conversation between the parties about the resolution of the case. Thus, the government, with the consent of counsel for each defendant, asks the Court to grant a continuance of the trial date in this matter.

**A SCHEDULING CONFERENCE SHOULD BE HELD  
TO SET A TRIAL DATE IN THIS MATTER**

As set forth above, a continuance is appropriate in this case and has been consented to by all of the parties. By holding a status conference, the Court may ensure that the newly selected date accommodates the schedules of all counsel and ensures effective preparation in this matter. For this reason, the Government asks that the Court set a scheduling conference, to be held in person or by telephone, during the week of November 12, 2007, or as soon thereafter as possible.

**CONCLUSION**

For the foregoing reasons, the Court should grant the motion of the United States for a continuance of the trial date by consent of the parties and to set this matter down for a scheduling conference so that a trial date may be set.

Respectfully submitted,

CHRISTOPHER J. CHRISTIE  
United States Attorney

**/s Eugenia A. P. Cowles**

By: EUGENIA A. P. COWLES  
Assistant U.S. Attorney

Dated: November 5, 2007  
Trenton, New Jersey